

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:11CR3118
)	
)	
Plaintiff,)	MEMORANDUM
v.)	AND ORDER
)	
ROBERT FLEMING,)	
)	
Defendant.)	

On August 31, 2012, Magistrate Judge Cheryl R. Zwart made findings of fact and recommended that the defendant's motion to suppress and request for oral argument and hearing (filing [34](#)) be denied in all respects. On September 19, 2012, after obtaining an enlargement of time, the defendant filed a statement of objections (filing [46](#)) to the findings and recommendation (filing [42](#)).

The defendant objects that Judge Zwart erred in finding and concluding (1) that certain statements contained in search warrant affidavits were not patently false or recklessly made and (2) that there was probable cause for issuance of the search warrants even if the challenged statements were stricken.

I have conducted a de novo review of the record. I find that inasmuch as the magistrate judge has fully, carefully, and correctly found the facts and applied the law, the findings and recommendation should be adopted, the statement of objections should be denied, and the motion to suppress and request for oral argument and hearing should be denied in all respects.

Accordingly,

IT IS ORDERED:

1. the magistrate judge's findings and recommendation (filing [42](#)) are adopted;
2. the defendant's statement of objections (filing [46](#)) is denied; and
3. the defendant's motion to suppress and request for oral argument and hearing (filing [34](#)) is denied in all respects.

September 20, 2012.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge